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GOOGLE INC.

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION

15 ORACLE AMERICA, INC.,

16 Plaintiffs,

17 v.

18 GOOGLE INC.,

19 Defendant.
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Case No. 3:10-cv-03561 WHA

GOOGLE'S STATEMENT RE DAMAGES PERIODS

Judge: Hon. William H. Alsup

Date Filed: August 12, 2010

Trial Date: May 9, 2016

1 Pursuant to this Court's October 26, 2015 Order re Damages Studies, Google states that,
2 in its expert report on damages and before the jury, Google intends to address the fact that, on
3 December 24, 2015, Google released new versions of the Android platform that are expressly
4 licensed by Oracle for use by Google under the free, open source license provided by Oracle as
5 part of its OpenJDK project. Specifically, these newly-released versions of Android utilize the
6 method headers (and the associated sequence, structure, and organization of those method
7 headers) at issue in this litigation under the open source OpenJDK license from Oracle.
8 Accordingly, and only to the extent that Oracle continues to accuse the new versions of Android
9 released on December 24, 2015 in Oracle's own damages study, then any damages claim
10 associated with the new versions expressly licensed by Oracle under OpenJDK would require a
11 separate analysis of damages from earlier releases, which are not expressly licensed by Oracle
12 under OpenJDK.

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14 Dated: January 4, 2015

KEKER & VAN NEST LLP

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16 By: /s/ Robert A. Van Nest
ROBERT A. VAN NEST

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